

Serial No. 09/910,709
Amdt. dated March 26, 2007
Reply to Office Action of January 3, 2007

Docket No. P-0236

REMARKS

Claims 21-23, 25-27, 30-32, 34-37, 40-45, and 49-73 are pending. Claims 21, 23, 25-27, 30, 32, 34, 36, 37, 41, 44, 45, 49, 50, 52, 56, and 57 have been amended, claims 1-20, 24, 28, 29, 33, 38, 39, and 46-48 have been canceled, and new claims 58-73 have been added to recite additional features of the embodiments disclosed in the specification.

I. The Rejections under 35 USC § 102.

In the Office Action, claims 21, 23, 26, 30, 32-34, 36, and 40 were rejected under 35 USC § 102(e) for being anticipated by the Rolf patent, and claims 41-53 and 55-57 were rejected under 35 USC § 102(e) for being anticipated by the Gold patent. Applicants request the Examiner to withdraw these rejections for the following reasons.

A. The Rolf Patent

Claim 21 has first been amended to indicate that the compressed data file is selected and received by different terminals and that the second terminal is a mobile terminal identified by its telephone number: “receiving information from a first terminal identifying a second mobile terminal, said information including a telephone number of the second mobile terminal.” Claim 21 also recites that the selected compressed digital data file is transmitted from a first server “to the second mobile terminal based on the telephone number of the second mobile terminal.”

The Rolf patent does not disclose these features. The Rolf patent discloses allowing a mobile terminal to buy and download music files to itself. Rolf does not disclose allowing one terminal to select and arrange to have a music file sent (e.g., as a gift) to another, mobile terminal based on the telephone number of that other terminal in the manner indicated by the receiving and transmitting steps recited in claim 21.

In addition to these features, claim 21 recites “transmitting the selected compressed digital data file and the telephone number of the second mobile terminal for storage in a second server different from the first server, if the second mobile terminal is determined not to be in a state of being available for receiving the digital data file.” (Emphasis added). The Rolf patent does not disclose these features, e.g., Rolf only discloses setting up an account with a music server based on its own telephone number, not the telephone number of another terminal which, for example, is to receive a gift from the first terminal.

In addition to these features, claim 21 recites that “if the second mobile terminal is in a state of being available for receiving the digital data file, then said transmitting includes transmitting a guide message to the second mobile terminal before the digital data file, the guide message (a) informing a user of the second mobile terminal that the digital data file has been selected for delivery to the second mobile terminal and (b) asking whether the user would like to receive the digital data file, and transmitting the digital data file to the second mobile terminal if

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information is received in response to (b) indicating that the user would like to receive the digital data file.” The Rolf patent does not disclose any of these features.

Applicants respectfully submit that claim 21 and its dependent claims are allowable based on the foregoing differences.

New claim 58 recites that the second mobile terminal is another mobile terminal. Rolf does not disclose these features. Claim 59 recites that the guide message is an audio guide message. Rolf also fails to disclose these features.

Claim 30 recites features similar to those which patentably distinguish claim 21 from the Rolf publication:

“receiving information from a first terminal identifying a second mobile terminal, said information including a telephone number of the second mobile terminal,”

“transmitting a guide message including data for identifying the selected compressed data file to the second mobile terminal based on the telephone number of the second mobile terminal, the data for identifying having file information of the compressed digital data,” and

“transmitting the compressed data file to the second mobile terminal in response to a signal received from the second mobile terminal requesting the compressed data file.” The Rolf patent does not disclose these features. Based on these differences, it is respectfully submitted that claim 30 and its dependent claims are allowable over Rolf.

B. The Gold Patent.

Claim 41 recites “checking a format of the digital data file” and “determining whether to receive the digital data file or not based on whether the checked digital data file has a predetermined data format. The Gold patent does not disclose or suggest these features.

The Gold patent discloses allowing a user to input an e-mail address of another person’s e-mail terminal along with information identifying a song. A server then sends an e-mail to the person and plays the song. The e-mail only indicates that someone has sent the person a song dedication. However, the Gold terminal does not check a format of a digital file corresponding to the song, nor does it determine whether to receive the digital file or not based on whether the checked digital data file has a predetermined data format.

Based on these omissions, it is respectfully submitted that claim 41 and its dependent claims are allowable. Claim 50 and its dependent claims recite similar features. Accordingly, it is submitted that these claims are also allowable.

Claim 45 recites providing an input window on a first terminal for inputting information of a second mobile terminal “including a telephone number of the second mobile terminal” and “wherein a title name of the selected data file is separately transmitted with the selected digital data file.” The Gold patent does not disclose these features. As previously indicated, the Gold patent discloses allowing a user to input an e-mail address of another person’s e-mail terminal along with information identifying a song. A server then sends an e-mail

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to the person and plays the song. The e-mail only indicates that someone has sent the person a song dedication. It does not identify the song, nor is the e-mail sent to a telephone number of the person receiving the song.

Based on these differences, it is respectfully submitted that claim 45 and its dependent claims are allowable over Gold.

II. The Rejections under 35 USC § 103(a).

Claims 22, 27, 29, 31, 37, and 39 were rejected under 35 USC § 103(a) based on the Rolf patent. This rejection is traversed on grounds that Rolf fails to teach or suggest the features added by amendment to base claims 21 and 30, and for the following additional reasons.

Claim 27 recites “wherein the controller receives the recognition data in a guide message before the compressed digital data is received, the guide message asking whether the user would like to receive the compressed digital data, and wherein the controller controls transmission of a first request signal in response to the guide message indicating that the user would like to receive the compressed digital data from a first server, the controller further controlling transmission of a second request signal to receive the compressed digital data from a second server which stored the compressed digital data during a time when the terminal was in an unavailable state.” These features are not taught or suggested by Rolf.

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Claim 37 recites features similar to those which patentably distinguish claim 27 from the Rolf patent.

Claims 25 and 35 were rejected for being obvious in view of a Rolf-Hori combination. This rejection is traversed on grounds that Hori does not teach or suggest the features added by amendment to base claims 21 and 30.

Claim 54 was rejected for being obvious in view of Gold taken alone. This rejection is traversed on grounds that Gold fails to teach or suggest the features added by amendment to base claim 50.

New claims 60-73 have also been added to the application.

Claim 60 recites that the predetermined data format in claim 41 is a preset compressed data format, claim 61 recites that the predetermined data format is an mp3 format. Claims 62 and 63 recite similar features depending from claim 50. These features are not taught or suggested by the cited references.

Claim 64 recites a method for receiving a compressed digital data file, comprising “checking the digital data file format” and “determining whether to receive the digital data file or not by comparing the identifying message with the compressed digital data file and receiving the compressed digital data file.” These features are not taught or suggested by the cited references, whether taken alone or in combination. (See, for example, the distinguishing remarks made with respect to the Gold patent). Claims 66-70 further define the features of claims 64 or 65.

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Claim 71 recites a mobile terminal having “a second circuit to check a format of the digital data file” and “a third circuit to determine whether or not to receive the digital data file based on whether the checked digital data file has a predetermined data format.” These features are not taught or suggested by the cited references, whether taken alone or in combination. Claims 72 and 73 further define the terminal of claim 71.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and timely allowance of the application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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